

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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KIMBERLY GENSON,

Plaintiff,

v.

DECISION AND ORDER  
15-CV-727A

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

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The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 21, 2016, Magistrate Judge Scott filed a Report and Recommendation (Dkt. No.12), recommending that plaintiff's motion to vacate (Dkt. No. 7) be granted in part, that the Commissioner's motion (Docket No. 10), and that the matter be remanded for further proceedings.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the plaintiff's motion to vacate is granted in part, the Commissioner's motion is denied, and the matter is remanded for further proceedings.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

*Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: October 26, 2016